

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BRIAN CLARK,	:	
	:	Civil Action No. 10-1022 (RBK)
Plaintiff,	:	
	:	
	:	
v.	:	ORDER
	:	(CLOSED)
HOPE HALL, et al.	:	
	:	
Defendants.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 28th day of June, 2010,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the application submitted by Plaintiff to proceed in forma pauperis is hereby GRANTED; and it is further

ORDERED that the Clerk of the Court is directed to file the Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and on the Warden at the Bayside State Prison, where Plaintiff is presently confined; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to his prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that Plaintiff's Complaint asserting denial of medical care and negligence in violation of the Eighth Amendment, is DISMISSED WITHOUT PREJUDICE, in its entirety as against the named defendants, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), for failure to state a claim upon which relief may be granted at this time; and it is further

ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE to plaintiff reopening this action by filing an amended Complaint to cure the deficiencies as set forth in the accompanying Opinion.

s/Robert B. Kugler

ROBERT B. KUGLER
United States District Judge